

**CITY COUNCIL MINUTES**  
**February 26, 2007**  
**REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, February 26, 2007 following the 5:30 p.m. Closed Session with Mayor Robert Snyder presiding and City Clerk Joseph G.R. Labrie recording the minutes.

**CALL TO ORDER**  
**ROLL CALL**

**Council Members Present:** J. M. Holmes, Kevin Hanley, Keith Nesbitt, Bob Snyder

**Council Members Absent:** Bridgett Powers

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Administrative Manager Joanna Belanger, Transit Analyst Megan Siren, Administrative Services/Finance Director Andy Heath, Airport Manager Jerry Martin, Community Development Director Will Wong

By **MOTION** adjourn to a Closed Session under Government Code section 54957:

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: City Manager

**REPORT OUT OF CLOSED SESSION**

No action to report.

**PLEDGE OF ALLEGIANCE**

**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/  
ANNOUNCEMENTS**

Mayor Snyder announced that Assemblyman Ted Gaines would be at the March 26, 2007 meeting.

Mayor's Proclamation: California Arbor Day

## **AGENDA APPROVAL**

No changes to the agenda were requested.

1. **Warrants**

By **RESOLUTION 07-19** approve Warrants # 64796 through 65515 totaling \$4,908,913.43.

2. **Minutes**

By **MOTION** approve City Council Minutes of January 8, January 22, February 5, 2007 and the Joint AUDA/Council Minutes of February 5, 2007.

3. **Amendment of City Ordinance Governing Claims against the City – 2<sup>nd</sup> Reading**

Introduce for second reading and by **ORDINANCE 07-01** repeal Ordinance 450, entitled “An Ordinance Requiring the Filing of a Verified Claim as a Prerequisite to Any Action Against Any Employee of the City of Auburn for Damages for Intentional Wrongs;” and amend Section 33.115 of the Auburn Municipal Code regarding claims against the city.

4. **Ordinance to Repeal and Extend Certain Redevelopment Plan Limits – 2<sup>nd</sup> Reading**

Introduce for second reading and by **ORDINANCE 07-02** repeal and extend certain Redevelopment Plan limits.

5. **Firefighter Part-time Longevity Service Credit**

Mayor Snyder added “as set forth in the staff report dated February 26, 2007 and attached hereto as Exhibit A” to the end of the initial resolution shown on the Agenda.

By **RESOLUTION 07-20** apply compensated time served by Firefighters while working in a benefited, part-time capacity prior to July 1, 2000 towards longevity service effective dates, and pay a retroactive amount due as a result of revising the longevity effective dates as set forth in the staff report dated February 26, 2007 and attached hereto as Exhibit A.

6. **East Hangar Development Project Consultant Agreement**

By **RESOLUTION 07-21** authorize the Director of Public Works to execute the consultant agreement with Mark A. Machado M.E. for the initial phase

of the East Hangar Development Project in an amount not to exceed 10,000.

7. **CNG Fueling Station Project**

By **MOTION** authorize the Public Works Department to advertise for the CNG Fueling Station Project.

8. **Quarterly Report of Investments – Quarter Ending December 31, 2006**

Receive, review and file the “City of Auburn Quarterly Investment Report” for the quarter ending December 31, 2006.

9. **Appointment of Endurance Capital Committee Members**

By **RESOLUTION 07-22** appoint Barbara Jacinto (Western States Trail Assn), Bob Montouri (Member-at Large), Harvey Roper (Business), Lisa Kodl (Business), and Cyncl Calvin (Member-at Large) to the Endurance Capital Committee with terms ending July, 2008.

10. **Appointment of Economic Development Commissioners**

By **RESOLUTON 07-23** appoint to the Economic Development Commission Monti Reynolds, Bud Richardson and Gary Capps with terms ending December 2008 and Janice Forbes with term ending December 2007.

11. **Appointment of Telecommunications Commissioners**

By **RESOLUTION 07-24** reappoint Glenn Tonkin and George Preston to the Telecommunications Commission with terms ending January 2011.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION** approve the Consent Calendar with the addition to Resolution 07-20. **MOTION: Hanley/Holmes/Approved 4:0 (Powers Absent)**

12. **Public Comment**

Public Works Director introduced Mark Machado who will be the Airport Consultant.

Kathleen Harris, 6130 Hurst Terrace, Auburn, stated that Auburn dog owners currently have no place to exercise their dogs legally, off-leash. The Ashley Memorial Dog Park Foundation hopes that the City of Auburn

will recognize the number of dog owners who would like to have a fenced area that does not infringe upon other users. She said that the foundation has been trying to find such a location with no results. Due to the many entities involved with the land next to the overlook park, requirements and restrictions made it impossible to pursue use of that area any further. The Auburn Recreation District (ARD) has explored its land with little success. It appears that Railhead Park is the only parcel that could be utilized at this time. It would require two strips of fencing and one gate, which ARD deems the least expensive and simple solution. Ms. Harris presented the council with some aerial photos of the dog park proposal. She stated that fencing would guarantee soccer players a clean, segregated field on which to play. She asked for Council support for the proposed dog park at the Railhead location.

Council Member Holmes stated that Auburn Placer Performing Arts Center is scheduling a trip to Redding to look at a theater that has been refurbished there. He said that if anyone was interested in the trip that he/she should contact the Auburn Placer Performing Arts Center staff.

Council Member Holmes asked that the Endurance Capital Committee take a look at the possibility of the Tour of California Bike Race coming to Auburn next year.

Council Member Holmes announced that there was a co-housing introductory meeting to be held Wednesday evening in the Rose Room for any interested parties.

## **PUBLIC HEARING**

### **13. Stormwater Management and Discharge Control Ordinance**

Public Works Director Jack Warren introduced Steve McCord from Larry Walker and Associates who provided a power-point presentation to the Council. He explained that the ordinance is an addition to the current city code regarding stormwater. He explained some of the regulations and history entailing the Clean Water Act and the environmental movement and laws. He provided an overview of the stormwater management program for the City of Auburn, which is in line with the programs of other municipalities in the area.

Council questions and discussion followed.

Bill Barker, 834 Holly Hills Drive, Auburn, stated that he drives Auburn Ravine Road frequently. He said that this date he noticed a high concentration of sediment, silt and mud, in Auburn Ravine. He asked if that can be attributed to natural run-off or some type of pollutants.

By **MOTION** introduce and hold a first reading, by title only, for an **ORDINANCE** to be created as Title V, Section 53, of the Auburn Municipal Code relating to Stormwater Management and Discharge Control. This ordinance is exempt from the provision of CEQA per Section 15308 (Actions by Regulatory Agencies for the Protection of the Environment). **MOTION: Nesbitt/Holmes/Approved 4:0 (Powers Absent)**

## **REPORTS**

### **14. Auburn Fire 2006 Emergency Incident Report**

Fire Chief Mark D'Ambrogi introduced the informational item to Council. He outlined the packet of information that he previously made available to the Council and the public regarding the Fire Departments' response to emergency incidents.

He advised that the Fire Department is in the analysis phase with "Cal Fire and Placer County Fire to look at the potential joint purchase of a ladder truck in the future." Chief D'Ambrogi further apprised the Council of the Fire Department's activities in 2006.

### **15. Department of Public Works – Quarterly Projects Report**

Postponed to a future meeting.

### **16. Reports from Committees/Commissions/Boards**

Library Advisory Board Member Michael Otten submitted a written report to the Council. He advised that the Library has outgrown its space. Library staff has looked at space in DeWitt Center and the Nevada Station and are continuing to try to find a proper location that is not too costly.

Mr. Otten also told the Council that on line services are now available for reserving books. It is especially beneficial to obtain the most popular books. Library staff is trying to solve the problem for those that do not have computers, possibly utilizing library computers.

### **17. City Council Committee Reports**

Council Member Holmes reported, as the city liaison for the Boys and Girls Club, he attended their last board meeting. There will be a fund raiser on the 17<sup>th</sup> and 18<sup>th</sup> of March to benefit the club. He also advised that at the Placer County Air Pollution Control District's Board Meeting the grant procedure was discussed. The City of Auburn is eligible to apply for

grants for air pollution reduction programs. He stated that the deadline for applications is the 9<sup>th</sup> of March. He stated that it was his hope that the city would have more than one application to submit.

Council Member Hanley reported on the Sacramento Council of Governments meeting. He stated that there was a poll presentation of how people in the region view transportation issues. He stated that each council member would be given a copy of the poll.

Council Member Nesbitt attended the meeting of the Sierra Economic Development District. He stated that he was impressed with the president's presentation. Colfax has the actual appointee on the board. Therefore, Council Member Nesbitt will attend as a monitoring citizen.

## **COUNCIL BUSINESS**

### **18. Consultant Agreement with ECO:Logic, Inc. for the Auburn Wastewater Treatment Plant Improvements**

Public Works Director Jack Warren introduced the item. He explained that in January an action plan was presented to the Council as to how to handle the Wastewater Treatment Plant and specific requirements that will be effective December 31, 2009. The Council approved the plan in concept and authorized staff to proceed with the first step. That was to enter into a contract for design purposes with ECO:Logic, Inc. Warren stated the contract is in five parts, and that this portion of the agreement is for parts one, two and three. When these parts are completed, the city can either contract with ECO:Logic for the remaining parts or hire another firm. He explained the cost savings and urged the Council to approve the contract.

By **RESOLUTION 07-25** authorize the Director of Public Works to execute a consultant agreement with ECO:Logic, Inc. for Task 1, 2 and 3 of the Exhibit A and Exhibit B – Wastewater Treatment Plant Ultraviolet Disinfection, Denitrification Facilities and Sewer Rate Study. **MOTION: Holmes/Hanley/Approved 4:0 (Powers Absent)**

### **19. Appointment of Youth Advisory Commissioners**

Council Member Holmes explained that there were fourteen or fifteen applicants. However, only nine students could be selected. On the 14<sup>th</sup> of March there will be a meeting to cover the commissioners' duties and responsibilities. Holmes requested approval of the appointments to the Youth Advisory Commission.

By **RESOLUTION** appoint Hannah Peterson, Rachel Roskelley, Kellen Walker, Georgia Faulkner, Sarah Squiers, Brian Chapman, Zak McNutt, Emily Edris and Tyler Bonner to the Youth Advisory Commission.

**MOTION: Hanley/Holmes/Approved 4:0 (Powers Absent)**

20. **CAP-TO-CAP Trip**

City Manager Bob Richardson introduced the item. He explained that each year the issue is brought to the Council for appointment of a delegate to represent the City and the region in the Cap-to-Cap trip. This year Council Member Holmes requested the item be brought to Council.

Mayor Snyder asked what the city can expect for the expenditure. Council Member Holmes responded that there would be “greater exposure in Washington, D.C.” He explained that since he will be on the air quality team, the Placer County Air Pollution District will cover a portion of the cost. He stated that there are a number of projects that are important to the air quality in the Auburn area that will be addressed by speaking with staff members, members of congress, the Environmental Protection Agency and others. Some of the major projects that are of importance to both Auburn and Placer County are the bypass project and work with the Union Pacific Railroad to reduce pollution in the area.

Council Member Holmes advised that he had already spoken with Congressman Doolittle’s staff about meeting with him to discuss some issues that are particular to Auburn. Those issues were outlined to the congressman in a January meeting with Council Member Holmes, the City Manager and the Mayor. Congressman Doolittle has encouraged city representation in Washington, as both elected officials and technical experts will be in available for discussion.

Dan Sokol, 1330 Deerwood Place, Auburn, stated he speaks annually regarding the Cap-to-Cap trip. He stated that he has not seen anything that city has gained from it. He requested a “public report on what happens as a result of the trip.” He stated that there is much less reason to go back there this year because Congressman Doolittle is in the area more frequently than he has been in previous years.

Council Member Hanley stated that he reviewed the reports of the trips over the past five years. He stated that his view is that nothing really tangible has occurred due to the city’s representation in Washington, D.C. He said we have a congressman with a district office that avails him to the city when needed. Hanley stated that in his opinion more taxpayer dollars should not be spent on a trip that “doesn’t seem to accomplish much.”

Council Member Nesbit said he was not unwilling to send Council Member Holmes, but he has not really seen any tangible results from it either.

Council Member Holmes reminded the Council that the cap-to-cap trips do not necessarily provide immediate results. He stated some things take a period of months to get funding in place. Our presence shows that we are interested in having specific programs funded that will benefit the Auburn community.

By **MOTION** approve the City's participation in the Sacramento Metro Chamber's CAP-TO-CAP trip. **MOTION: Holmes/No second/Motion failed**

21. **Mid-Year Financial Status Report – Fiscal Year 2006-07**

Finance Director Andy Heath presented an update of the mid-year financial report for fiscal year 2006-2007. He outlined some of the city's major funds and made some recommendations regarding certain funds as a result of a review of the budget. He presented the preparation process, the general fund revenues and expenditures, the enterprise funds, other funds and a brief capital projects update.

Dan Sokol, 1330 Deerwood Place, Auburn, stated that he was pleased with city's financial status and that there was money going into the contingency fund. He said he realized that some expenditures cannot be anticipated, but there were a couple of items that he felt were not proper without going through the budget process. He talked about the Highway 80 Gateway Monument. He felt it should not have been added as a mid-year correction. He said the money could be better spent on the deteriorating streets. He also stated that he was concerned about the continuous usage of an interim Public Works Director. He said he presumed money was budgeted for a Public Works Director and, therefore, did not understand why more money was needed for that position as a mid-year correction. He also addressed the sewer fund, stating that this was not a "guess item." The Council votes for the amount of each sewer assessment. Therefore, if there is an excess of monies in the fund, it should be returned to the taxpayers in a reduction for the next year. It should not be spent on peripheral items.

Council Member Holmes asked if money was set aside for the demolition of the old Wastewater Treatment Plant. Heath advised that it has been noted as a project but has not been budgeted at this time. City Manager Richardson stated that it's a project that has been on the books for many years and does need to get done.



Richardson stated that the Council had approved in concept the Highway 80 Monument and it would be brought back to the Council for final approval within the next couple of months. He advised that the funding of the interim Public Works Director is the best course of action until the end of the fiscal year, as it is a very tight market for Public Works Directors.

Council Member Hanley asked for further clarification on the Highway 80 Gateway Monument. He asked if \$50,000 was a reasonable estimate to use to start the monument. Richardson said that it was, but that a more detailed budget would be brought back to the Council within the next month for final approval.

Mayor Snyder stated that he has attended the Old Town Business Association meetings wherein the primary topic is exposure on the freeway. He felt the monument would be a very sound investment in attracting people into town.

1. By **RESOLUTION 07-27** increase the estimate for earned revenue in the City's
  - A. General Fund by \$378,954;
  - B. Airport Fund by \$287,630;
  - C. Gas Tax Fund by \$38,987;
  - D. Transportation Fund by \$93,958; and
  - E. Transit Fund by \$57,738.
2. By **RESOLUTION 07-28** increase the appropriation for expenditures in the City's
  - A. General Fund by \$268,264;
  - B. Airport Fund by \$213,000;
  - C. Gas Tax Fund by \$35,000; and
  - D. Transportation Fund by \$94,000.
3. By **RESOLUTION 07-29** increase the appropriation in the General Fund Contingency Reserve by \$110,690.

**MOTION: Holmes/Hanley/Approved 4:0 (Powers Absent)**

22. **Policy for the Sale of Excess City Right-of-Way and City Owned Parcels**

Community Development Director Will Wong introduced the item. He explained each of the actions under consideration. He stated that currently the city does not have a city-wide policy for how to handle the sale of excess city right-of-way and city parcels. There have been requests to purchase some of the properties and need consistency for both staff and the prospective buyers. He explained that if the policy is

approved the resolutions would be brought back to the Council in two weeks for final action.

Council questions and discussion followed. Mayor Snyder stated that he has some problem with a policy that says a certain property is undevelopable and therefore worthless. He stated that he has difficulty with giving away public funds. He suggested some type of a negotiation process. Hanley suggested that by providing the property at no cost we may be getting more value for the city and possibly more property tax revenue, and did not see it as giving away public funds.

Mr. Wong explained developable versus undevelopable property has to go back to Council before the applicant can obtain the property. He further explained that the process is an applicant driven process for sliver property. He explained that it could be quite costly to research each piece of property with a great deal of staff time involved. With sliver property the costs involved would probably exceed the value of the land.

Council Member Nesbitt asked if there is some way to publish the excess parcels so that applicants could be stimulated to do their own research. Wong answered that there are about twelve parcels and that he could easily mail those to the adjacent owners asking if they had interest in obtaining the property.

Mayor Snyder asked if the right-of-ways could be abandoned. City Attorney Colantuono advised that abandonment of a "right-of-way eliminates the status of the land as a right of way, but does not affect title to it. Transferring title is accomplished by a different process, typically a Quit Claim Deed or a purchase and sale agreement, depending on the transaction." He advised that costs can be avoided by quit claiming the property.

- A. Rescind Resolution No. 92-18, a policy for the vacation and sale of excess right-of-way along the "ED" route and have staff return at the next meeting with the necessary resolutions (Attachment 1).
- B. Adopt a citywide policy for the sale of excess City right-of-way and City owned parcels and have staff return next meeting with the necessary resolution (Attachment 2).
- C. Place the City right-of-way on the east side of Pine Street and south of Kenmass Avenue into "Category 1 Undevelopable City Properties" and direct staff to proceed with the applicant's request to purchase the right-of-way and have staff return next meeting with the necessary resolution (Attachment 3).

**MOTION: Nesbitt/Hanley/Approved 4:0 (Powers Absent)**

## **ADJOURNMENT**

Mayor Snyder adjourned the meeting, without objection, at 8:25 p.m.

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Robert Snyder, Mayor

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Joseph G. R. Labrie, City Clerk

Minutes transcribed by Deputy City Clerk Anne M. Cooley